

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA)	
)	
v.)	CR. NO. 3:06-CR-204-MEF
)	
HENRY ERIK YAPIAS)	
)	

United States' Motion for Downward Departure for Substantial Assistance

The United States moves this Court to reduce Defendant Henry Erik Yapias's sentence by two offense-levels based on Yapias's substantial assistance in this case. As grounds for this Motion, the United States notes:

1. Prior to pleading guilty in this case, Yapias cooperated with the United States. During his cooperation, Yapias provided substantial information regarding ongoing drug and gun activity in several areas within the Middle District of Alabama. Particularly, Yapias was able to identify at least one individual who law enforcement did not know was a supplier of drugs

2. The United States submits that to the best of its knowledge Yapias has been truthful with federal investigators. As part of the plea agreement, Yapias has waived his right to appeal and/or collaterally attack the sentence imposed in this case. Therefore, United States asks this Court to depart two offense-levels under Guidelines § 5K1.1 based upon Yapias's substantial assistance.

Respectfully submitted this the 11th day of September, 2007.

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CERTIFICATE OF SERVICE

I hereby certify that on September 11, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all attorneys of record.

/s/ Christopher Snyder
CHRISTOPHER A. SNYDER
Assistant United States Attorney